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SUBJECT: EMBASSY URGES GREATER RTG EFFORT ON LABOR  
TRAFFICKING

REF: STATE 124824 (NOTAL)

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¶1. (SBU) Summary: DCM and Emboffs voiced strong concern at the lack of progress on labor trafficking cases in Thailand in delivering reftel demarche to MFA DG for the Americas, Nongnuth Phetcharatana. DCM advised MFA that Thailand's record on labor trafficking threatens to overshadow continued progress in other areas of TIP, and that an adverse change in Thailand's 2008 TIP report tier ranking might result. Serious labor trafficking cases should be addressed with criminal rather than administrative penalties. As an example, the DCM cited the Ranya Paew shrimp factory, which remains open over a year after a police raid uncovered 800 Burmese migrants confined on the premises. Nongnuth replied that the RTG would intensify interagency cooperation, saying that the police and Ministry of Labor needed to be more involved. The MFA is urging the Thai legislature to pass a comprehensive anti-TIP law this year to criminalize trafficking of male workers. Nongnuth suggested that she meet with Ambassador Lagon in Washington in early October to discuss further anti-trafficking cooperation with USG agencies, an idea the Embassy supports. End Summary.

¶2. (SBU) DCM, accompanied by Econ Counselor and Laboff, delivered reftel demarche points on September 17 to MFA Director General for the Americas Division, Nongnuth Phetcharatana. The DCM said he was interested in starting an early and senior-level dialogue to address RTG and USG anti-trafficking efforts well in advance of the 2008 TIP report drafting cycle. He said forced labor, especially among migrant workers, would again be a major focus of the TIP report. The USG is itself seeking to combat labor TIP by encouraging prosecutions and, where necessary, prison sentences for those who employ workers under forced labor conditions in the United States.

¶3. (SBU) The DCM noted Thailand's significant progress in raising awareness and providing protection to victims with regard to trafficking for sexual exploitation. It would be regrettable, however, if continued instances of labor trafficking overshadow the laudable progress that the RTG has made in other areas. Although the annual TIP report strives to objectively review each government's anti-TIP efforts in their entirety, credible reports of labor trafficking in Thailand may adversely impact Thailand's tier rating in the 2008 report. The DCM asked Nongnuth whether the RTG has made progress in criminally prosecuting labor traffickers, rather than imposing statutory fines or civil penalties, and asked specifically for an update of the Ranya Paew shrimp factory case, which has been languishing for a year since the deplorable conditions at the factory were first discovered.

14. (SBU) Nongnuth said she appreciates having a discussion on TIP at a senior level and welcomes the opportunity to start a dialogue well in advance of the TIP report drafting period. She noted that she leads an annual visit to Washington, usually in February or March, to discuss TIP issues with G/TIP and on Capitol Hill prior to the release of the report each year. She agreed that more progress is needed in the area of labor trafficking and that the TIP report has always been viewed as a "wake-up call" for RTG agencies to address areas where TIP is prevalent. The RTG fully understands the strong interest in TIP matters on Capitol Hill and within the State Department and other USG agencies charged with implementing the Trafficking Victims Protection Act (TVPA).

15. (SBU) Nongnuth said there remains an impression among Thai ministries that overall RTG efforts to combat TIP are not fully appreciated in Washington, and that some believed the USG's relatively recent focus on labor trafficking should provide more time for governments to adjust to new benchmarks. She noted that some progress has been made to encourage the Ministry of Labor to better regulate their migrant worker programs, and that high-level MOL employees visited Washington in March along with Nongnuth's MFA delegation to describe current anti-trafficking efforts regarding labor exploitation.

16. (SBU) Nongnuth voiced frustration that the Ranya Paew case is proving to be time-consuming for the Royal Thai Police (RTP) due to the need for translation of Burmese worker accounts and the number of witnesses involved. She said the MFA is continuing to follow up with the police to ensure the judicial process worked smoothly. She noted the efforts of Ministry of Social Development and Human Security (MSDHS) to assist and shelter the workers and to repatriate those who want to return to Burma. The Attorney General's office has also established a new Center for Anti-Trafficking to coordinate future prosecutions. MSDHS continues to make

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strides in victim identification and protection and their accomplishments should be noted to ensure a more balanced overview of the entire TIP situation in Thailand.

17. (SBU) Nongnuth said it would be useful for the Embassy to continue its dialogue with the Ministry of Labor (MOL). She stressed, however, that despite the apparent inaction of the MOL in addressing TIP cases, it is important to seek a partnership and avoid finger-pointing exercises. Nongnuth said the MFA would work with the MOL to identify a senior point of contact who could coordinate with us on labor trafficking. Equally important, in her view, is the need to raise the profile of trafficking cases with the acting national police chief, as both the police and the MOL were essential to investigating and prosecuting TIP cases.

18. (SBU) The DCM described the recent premiere of a USAID-funded documentary by cable network MTV, which highlights the involvement of Thai police and NGOs in trafficking cases in Thailand and other Southeast Asian countries. It is being distributed to Asian markets with narration by local celebrities in several languages. The MTV documentary includes an interview with a Burmese worker who was rescued at the Ranya Paew factory. Noting that USG sponsorship of the film showed an understanding of the importance of the prevention side of the TIP issue, the DCM asked Nongnuth whether we were reaching all of the major players on TIP in the RTG, besides the MFA, MOL, MSDHS and the Royal Thai Police.

19. (SBU) Nongnuth replied that the National Sub-Committee for Protection of Women and Children, and various NGOs, are also important players, and are heavily involved in drafting TIP legislation and action plans to be implemented by RTG ministries. She encouraged USG officials to include them in our discussions on TIP activities. Laboff replied that the Embassy has a long-standing relationship with Dr. Saisuree

Chutikul, the sub-committee's chair, and that she and several NGOs had already advised us that they shared our concerns at the seeming lack of progress on labor trafficking.

¶10. (SBU) The DCM noted the RTG's efforts to draft comprehensive anti-trafficking law that would criminalize labor trafficking and, for the first time, allow males to be considered as trafficking victims. Stressing that it would be a laudable and significant step if passed, the DCM asked Nongnuth about the law's prospects for passage by the National Legislative Assembly (NLA) before the end of the year (and the forthcoming December 23 elections).

¶11. (SBU) Nongnuth responded that she knew the TIP law had passed through the Council of State and been approved by the Cabinet, and is one of several priority bills to be taken up by the NLA once work on the organic laws required for elections is completed. She said the MFA would urge the NLA to make sure the TIP law is passed. Nongnuth suggested that the MFA coordinate an RTG-wide meeting to include the major anti-trafficking actors to obtain a status update and discuss next steps on labor trafficking, which would then be conveyed to the Embassy.

¶12. (SBU) The DCM said such a meeting would be useful, and that a more formal interagency task force might enhance cooperation between the ministries and law enforcement. He noted that USG agencies similarly cooperate to combat labor trafficking within the United States, including cases involving Thai workers recruited under the H2A visa program. Nongnuth said the RTG appreciates USG efforts to assist the Thai workers in the U.S. and to penalize the recruitment agencies that have abused the system. She added, however, that she hopes this effort will not lead to a crackdown on all labor recruitment for the U.S. market, as many Thai workers benefit from guest worker programs that are properly implemented.

¶13. (SBU) Nongnuth closed by asking if it would be helpful for her to travel to Washington in the October 3-5 period, following her UNGA-related meetings in New York, to meet Ambassador Lagon. The DCM said it would be an outstanding opportunity for her to discuss TIP matters with G/TIP directly, and that we would pass on the request.

¶14. (SBU) Comment: Despite DG Nongnuth's cooperative attitude, it is apparent that the RTG is encountering obstacles getting the police to move expeditiously on labor TIP cases such as Ranya Paew. We've been told privately by the Thai NGO working on the Ranya Paew case with the Attorney General's office that the dossier forwarded by police last month contained weak evidence, and that investigators had

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gone to great lengths to provide "witness" accounts corroborating the factory owners' defense. As for the Burmese victims, the excuse about translation difficulties a year after the raid is not credible. The victims may yet get financial compensation from an ongoing multi-million baht civil suit that has been filed on their behalf, but putting the factory owners on trial in a criminal court will continue to be an uphill struggle.

¶15. (SBU) Comment Continued: We will continue to urge all appropriate RTG elements to take action not just on the Ranya Paew case but on the broader labor trafficking situation. We think a meeting between Ambassador Lagon and DG Nongnuth would be helpful in this regard as well.  
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